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CHARGES

MADE BY THE



Indiana State Board of Health

AGAINST

THAD. M STEVENS, M. D.,
SECRETARY OF THE BOARD.

Together with Answers to Such Charges.

WITH AN APPENDIX, CONTAINING STATEMENTS OFFERED
IN PROOF, AND OTHER MATTER.

BY THAD. M STEVENS, M. D.

INDIANAPOLIS, IND.
SENTINEL CO., PRINTERS AND BINDERS.
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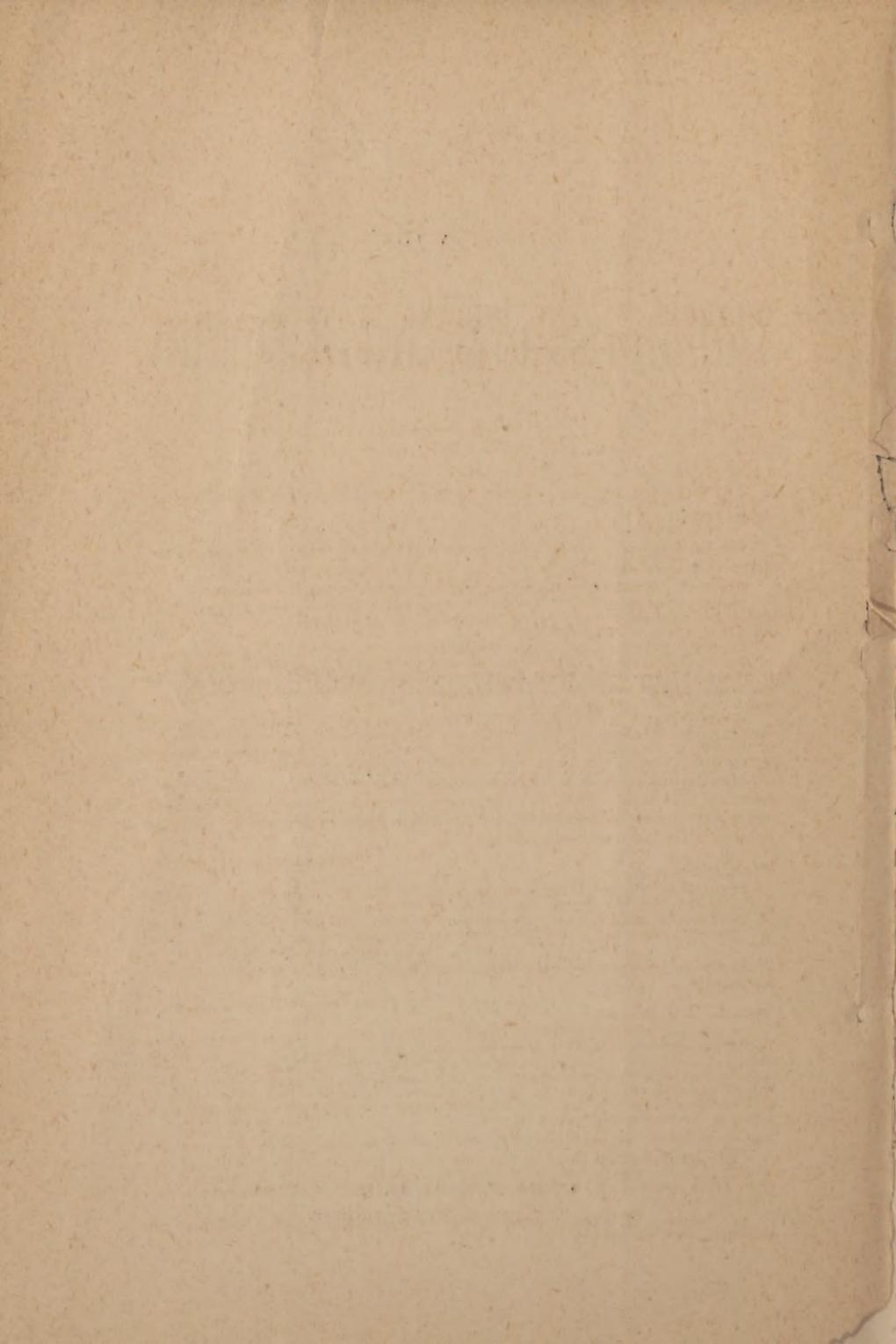
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CHARGES BY THE INDIANA STATE BOARD OF HEALTH AND ANSWERS.

The following action was taken by the Indiana State Board of Health*
March 15th, 1883:

The meeting was called to order promptly at 2 o'clock, when, upon motion, Dr. Stevens was removed and Dr. Partridge was selected as Secretary *pro tem.*

Dr. W. W. Vinnedge then offered the following resolution, which was adopted:

Resolved, That Thaddeus M. Stevens, M. D., be and he is hereby removed as the Secretary of this Board, because of mismanagement, of incompetency, and that the said office be and is hereby declared vacant.

Resolved, That the salary of Thad. M. Stevens, M. D., as Secretary of the State Board of Health, shall cease on and after this date, and that the said Thad. M. Stevens, M. D., is ordered to deliver forthwith all books, papers and furniture, and all other property of the Board in his possession, to his successor in office as soon as he shall have been chosen and formally notified of his election.

Resolved, That J. M. Partridge, M. D., Secretary *pro tem.*, be requested to furnish a copy of these resolutions to Thad. M. Stevens, M. D., in order that he may be informed of the cause of his removal from the office of the Secretary of the State Board of Health, as required by Section 4 of the act establishing a State Board of Health.

After the passage of the above resolution, the Board entered into the election of a Secretary. The name of Dr. E. R. Hawn, ex-Secretary of State, was put in nomination, and as there was no one else named, Dr. Hawn was elected Secretary, and the following communication was immediately sent him:

INDIANAPOLIS, March 15.

Dr. E. R. Hawn:

At a meeting of the State Board of Health, held at the office of the Board on the 15th day of March, 1883, the office of Secretary of the Board was declared vacant, and Dr. J. M. Partridge was made temporary Secretary. The Board then proceeded to the election of a permanent Secretary. Dr. E. R. Hawn was nominated and declared elected.

J. M. PARTRIDGE, Secretary *pro tem.*

As soon as this action had been taken by the Board Dr. Stevens filed the following report:

INDIANAPOLIS, March 15, 1883.

President, J. W. Compton:

SIR:—I hereby protest against the action of the State Board of Health in its declaring the office of Secretary vacant, and also protest against the action of the Board electing a Secretary in my place. Under the Statute the Secretary of this Board can be removed only for just cause, and I am advised that it is necessary for such cause to be written; that notice of the charges must be given the accused, and he must be given an opportunity to defend. For this and other reasons I refuse to recognize the action, and shall continue to act as Secretary of the Board.

THAD. M. STEVENS.

*The members of the Board at this date were as follows: J. W. Compton, M. D., Evansville, Ind.; Wm. Lomax, M. D.,[†] Marion, Grant Co., Ind.; J. M. Partridge, M. D., South Bend, Ind.; W. W. Vinnedge, M. D., Lafayette, Ind.; Thad. M. Stevens, M. D., Indianapolis, Ind.

[†]Dr. Lomax at all times protested against the tyrannical and unjust actions of the majority. (See appendix.)

After the reading of the above protest the following resolution was offered by Dr. Partridge and passed with one dissenting vote:

Resolved, That Dr. E. R. Hawn take immediate possession of the office and property of the State Board of Health, and he is hereby ordered so to do.

The following are the charges and specifications upon which Dr. Stevens was dismissed:

Thaddeus M. Stevens, M. D., Secretary of the State Board of Health:

SIR:—As required by the provisions of the fourth section of the act of the General Assembly of the State of Indiana establishing a State Board of Health, approved March 7, 1881, we deliver to you this written statement of the just cause of your removal from the office of the Secretary of this Board, viz.:

Your penmanship is so bad as to unfit you for the clerical duties of this Board. Your statements as to the business and work of this Board are so wavering, loose and indirect that they render you unsuitable for Secretary of this Board. You keep the Board uncertain as to what you have done, or what you will do. You have so recorded the transactions of the Board that the record—minutes—of its proceedings does not show correctly what the Board did do, and in some instances make it appear that the Board did things it did not do.

Soon after your election as Secretary you made a requisition on the Secretary of State for a clerk without the approval of the President of the Board, as required by law, and agreed to pay him a salary far beyond what the services a clerk would be required to perform were worth; and almost at the same time, without warrant from any source, you authorized the appointment by the Secretary of State of a clerk whom this Board had to pay, but for whom there was nothing to do.

The law makes it the duty of the Secretary of State to provide a suitable office for the meetings of the Board and for the Secretary thereof, yet soon after your election you purchased, without authority of the Board, a large amount of unnecessary furniture and committed the Board to the payment of the bills. Much of the supplies of the office you injudiciously selected and ordered were uncalled for by any service in the office. At the close of your investigation on the charges of extravagance and incompetency you were informed that the members of this Board stood ready to declare the office vacant by your removal, wherenon you assured the Board that such action was not necessary, as you would resign if the Board were dissatisfied with your administration of the office, and begged to be spared the humiliation of dismissal. Yielding to your entreaties, that such delay might be granted as would permit the excitement about the situation to at least measurably subside, and to your assurances that you would resign on or before June 15, 1882, it was informally agreed that you should have the opportunity to fulfill the promise. When the time for the fulfillment of this promise arrived you publicly refused to do so, alleging punic faith on the part of the Board toward you.

During your investigation by this Board of the charges of extravagance and incompetency against you by E. R. Hawn, Secretary of State, the Board employed and paid Bert F. Davidson to make the short-hand report. Yet you, without the knowledge, consent or approval of the Board, employed and paid out of the Board's funds Charles W. Stagg the sum of \$60, when one short-hand report of the investigation was amply sufficient for the needs of the Board.

Section 2 of the law required the Board to make a report to the Governor "of their doings, investigations and discoveries during the year ending 31st of October next, proceeding with such suggestions in regard to legislative action as they may deem important." But you made the first report to the Governor containing suggestions as to legislation without submitting to the Board or allowing the report to be seen by the Board until after it had passed into the hands of the Governor.

The foregoing constitute a just cause for your removal and you are accordingly removed from the office of the Secretary of the State Board of Health.

You will please deliver to your successor, who will officially call on you for that purpose, all things in your possession in any way pertaining to the office of Secretary of the Board, or deliver the same to the Board itself?

Yours respectfully,

J. W. COMPTON, President.

J. M. PARTRIDGE, Secretary *pro tem.*

The following was issued:

To the County and City Health Officers:

At a meeting of the State Board of Health, March 15, 1883, the office of Secretary was declared vacant by the removal of Thad. M. Stevens, M. D., and E. R. Hawn, M. D., was elected to fill the vacancy. All official communications pertaining to the business of the Secretary of the State Board of Health must be directed to him.

J. W. COMPTON, President.

Upon the 16th of March E. R. Hawn entered and took possession of the office by force, without process of law.

By this action of the Board I was deprived of the right and privilege

of a defense. I was, therefore, forced either to commence action in the court or issue to the public answers to the charges.

The advisers of the Board held that the act permitted this robbery of the right of defense, and that no court could review its action. If this is true, then the act is certainly unconstitutional.

In adopting the course of issuing to the public a reply to the charges, I acknowledge my faith in the people as being the best jury that can be selected to consider and pass upon facts when properly placed before them. It was by and for them the health work was inaugurated in Indiana. For the success of a properly conducted health organization many years of my life have been spent. If I should now silently permit the organization to be given over to incompetent or corrupt control, without protest, it would evince a cowardice I do not feel or an apathy foreign to my nature.

Again, I received my appointment on the State Board of Health with the endorsement of a large number of the representative physicians and sanitary workers of the State, and it is due to them that the facts be plainly and boldly set forth, so that they can form proper judgments as to whether they were mistaken in their endorsement, or that their wishes or intents have been thwarted by attacks from jealous or unscrupulous tricksters.

The charges by the Board against the Secretary are upon record, and as we expect to show such charges are false, and as they do great injury to me in reputation and otherwise, I having no other mode of defense left open, the following answers and counter statements are to be taken as a statement issued in self-defense, and not for the purpose of causing injury to any member of the Board or other person. It is not to be understood that I complain of "the fortunes of war," but only wish to record facts.

1. As to the charge of poor chirography, I answer, that neither my brain nor my fingers "run" to elegant handwriting. If I wished to act as a writing-master, I should very much regret this. I sometimes regret it now, as it is displeasing to the eyes of the select few who are like those that, without merit of their own, may admire the peacock because of its elegant and variegated tail, regardless of its useless and senseless life.

However, it ill becomes a member of the Board, one who was active during the disgraceful proceeding of March 15th, 1883, to be a party to such a charge, in view of the fact that in an official note of thirty lines he makes the following "spells": "Organise," "committies," "althoug," "govornor."

The manuscripts of other members of the Board are often ornamented by words dropped or repeated, which, if properly arranged, might at least give a show of meaning to the sentence. These are no doubt mistakes such as we are all liable to, and the charity that is part of my nature might prevent me from referring to such, but I do so to show the thinness of the glass that protects those that "cast the first stone."

2. As to the charge that my statements are so "wavering, loose and indi-

rect that the Board can not be properly informed as to what is being done, I reply that this charge is so "wavering, loose and indirect" that one can not form an idea to what special matter, if any, the charge refers.

As a matter of fact nothing was done, of any interest to the Board, that was not officially reported either by letter or in open Board meeting.

3. As to the charge of inserting in the minutes a record of things not done, or omitting therefrom something that occurred, I reply, that after the second meeting nothing was recorded until after the succeeding meeting of the Board, at which time the minutes as taken in manuscript were read in open Board meeting, and each member had the chance to object and have them amended before approval by the Board, and before they were recorded upon the minute book.

It is very true that the majority of the Board at each meeting appeared to come with their minds full of some petty scheme of trickery, and gave but little attention to the important matters connected with the work or the office, and while their flying visits lasted their attention was occupied with plots that would bring the blush to the cheek of the worst ward politician.

This preoccupation of the attention of the members is certainly the only excuse they can offer to avoid the just charge of deliberate falsehood. They at least show themselves incompetent to attend to the business they were intrusted with, for the minutes of each meeting, before or after they had been recorded, could have been examined by a suspicious but careful Board, and anything found wrong corrected at once.

4. As to the requisition for a clerk without the approval of the President of the Board, this has reference to the first clerk employed in the Bureau of Vital and Sanitary Statistics. In that case I agreed with the Secretary of State as to the person to be appointed; he reported for duty and was informally received and given work. In a few days the proper requisition was written out and sent to the President of the Board, who signed and sent it to me. The clerk was then considered appointed upon that requisition. At the next meeting the action of the Secretary in permitting the clerk to act until that time was approved as the minutes show.

As to the payment of a salary "far beyond what the services of a clerk would be required to perform were worth," I answer, that the salary was fixed by the Secretary of State and agreed to by me until the next meeting of the Board; this, and nothing more. It was all that could be done, otherwise the work would not have been carried on during that time.*

The salary of this clerk was fixed by the Secretary of State at \$83.33 per month. Copying clerks receive from \$720 to \$840 per annum. But the clerk for this bureau must be much more than a copyist; he must be competent to draw up blanks for compilation of statistics; must be able to compile and tabulate such statistics, etc. A person not so competent

* See statement of W. H. Smith. (Appendix.)

should not be employed, while one who is competent earns every cent of \$1,000 per annum.

To cut down the wages of a competent clerk, or to hire a cheap but incompetent one, is an economy that "wastes at the bung-hole more than can be saved at the spigot."

To compel a clerk to work at rates that force him to live on hard-tack and bacon, or else eke out the needed sum by piece-meal work for others, evinces a mixture of bad business qualities and contemptible tyranny.

But that this charge as to fixing the salary at a price far beyond what such services are worth is the merest quibble, is shown by the facts connected with the salary of W. H. Smith, the clerk appointed in place of the first one, Mr. Parker, who was dismissed owing to the impertinent demands of outsiders. His salary was fixed by the Board first at \$720, and finally raised to the rate of \$1,000 per annum.

If the members consider I had advanced the wages to a higher rate than was proper in the first case, what motives led them to advance to the same rate? If they were right, then I am free from blame for having agreed to pay living wages to the first clerk during the interim of Board meetings.

5. As to the second clerk spoken of that I "authorized the appointment of," and "without warrant from any source," has reference to the lady that the Secretary and Auditor of State wished to have appointed as a clerk in the new bureau. I informed them that as soon as the services of another clerk was needed, she would be acceptable to me, but at that time only one was needed. This whole matter, however, was considered and passed upon by the Board at its meeting in March, 1882, as shown by the minutes, and no blame was attached to me in the matter.

We also refer to the statement of E. S. Elder, M. D., relative to the same subject matter. (Appendix.)

6. To the charge of purchasing furniture without power from the Board, when the law provides that the Secretary of State shall "provide suitable office, etc., for the meetings of the Board and for the Secretary." It is true *one* section of the act so provides, and in accordance with such section I made requisition upon the Secretary of State for furniture, and was informed by him that according to the concluding section of the act "all expenses of the Board" should be paid out of the fund (\$5,000) appropriated by the Legislature. Subsequently the opinion of the Attorney General confirmed this construction. Nothing could be done except to order what was needed.

As to "such furniture not being called for by any service in the office," is a mere assertion by men who proved wholly ignorant of what such services were or what was needed.*

The purchase was, however, confirmed by the Board, which need not have been done if they considered it improper.

* See statement of Mr. Smith. (Appendix.)

"Shall we accept the statement of Dr. Stevens, or will the Board ask him to resign?"

In reply to this, three of the members other than the Secretary expressed their views, and every word they uttered was against asking me to resign.

That this statement is true is shown by the statement in appendix, and also by the minutes.

8. As to the charge of having paid Charles W. Stagg, stenographer, for services to the Board when he had not been employed, I submit the following:

Before the meeting of April 3-4 Dr. Vinnedge, of Layayette, a member of the committee appointed by the Board to attend to the matters connected with the investigation, called at my office, in my absence. He requested W. H Smith, Esq., Clerk of the Bureau, to inform me that it was their wish I should employ a stenographer; that I should let him know; and if I did not, he, Dr. Vinnedge, would bring a stenographer with him from Lafayette.

I at once employed Charles W. Stagg, a well-known stenographer, and at once wrote Dr. Vinnedge, stating that I had a stenographer.*

Without further notice, Dr. Vinnedge brought with him Bert P. Davidson, a stenographer, from Lafayette, and stated he would take notes of the proceedings Mr. Stagg was also present. Both reporters entered upon the work. No objections were made by the Board.

I supposed at the time that Mr. Davidson was brought because of the small amount of money that was in it, to the reporter, a friend of Dr. Vinnedge; but if Dr. Vinnedge knew of the act of Davidson in sending the false notes, then it might become a question as to what other matters prompted him. We hope that was not the case.

Mr. Davidson wrote me, making inquiries relative to the time I would send him a voucher for the amount of his bill. Acting upon general and correct business principles, I replied that the voucher would be sent as soon as the notes taken by him, and for which the money was to be paid, were delivered to me for use of the Board. He at once refused to send me the notes, and I replied that I would "wait the action of the Board before sending the voucher." Within two days I received a postal from him stating that "rather than to wait the actions of the Board he sent me notes."

The package came in my absence, and was taken back to the express office where, in a short time, it was delivered to me without opening. I took it to a stenographer, opened it, a letter and three books of notes were taken out. The letter stated that the notes were sent, and requested that the money be remitted. Signed, Bert P. Davidson. (Such notes

* See statement of W. H. Smith. (Appendix.)

Whether the "supplies of the office" spoken of were "injudiciously selected, and uncalled for by any service of the office," can be readily judged by the fact that with scarcely an exception they have been consumed in prosecuting the work connected with the office, with the exception that the members of the Board, while criticising the purchase by me of a few additional pens, erasers, etc., each carried off, upon their return home from the meeting, a supply of material so obtained for office use. They no doubt concluded that, although such material was not "called for by any service of the office," yet that it was called for in their private offices. *They, at least, made a "judicious selection."*

All these charges, except the first, (as to poor chiropgraphy), were considered and passed upon by the Board April 3 and 4, 1882, and the following finding made by the Board :

Resolved., In the matter of the charges preferred by the Secretary of State against the Secretary of this Board, the Board having heard the evidence, find that the charges have not been sustained.

7. As to the allegations that I promised to resign on or before June 15, 1883, or at any other date, the following are the facts:

During the meeting of the Board April 3-4, 1883, after the charges made by E. R. Hawn against the Secretary of the Board had been found "not sustained," I informally remarked that I had no desire to act as Secretary or be a member of a Board when the other members were all opposed to me, and that at the next meeting, in May, if the Board requested my resignation, I would at once offer it, but that I hoped they would, after deliberation, settle down to legitimate work. As my action at the next meeting was contingent upon theirs, it was mutually agreed by each of the five members, and by Dr. F. J. Van Vorhis who was present, that such informal agreement or understanding should not be mentioned to any one, for others who did not understand the contingent condition would at once conclude that my resignation was fully understood, when, in fact, it might never be offered. That this is the truth relating to the accusations is sustained by the statements of Dr. F. J. Van Vorhis and Dr. Lomax hereto attached.

The next morning the city papers announced, in substance, that "Secretary Stevens, of the State Board of Health, had promised to resign."

A copy of one paper was sent to a member of the Board with the article marked, together with a postal stating "this is punic faith," and so I still assert.

A breach of faith such as this did great injury to me and can not in any way be justified or excused. It dissolved all understandings and induced a loss of confidence.*

At the next meeting, in May, the President, Dr. Compton, asked me if I should resign. I replied that owing to the breach of faith I did not think I should consider the subject. He, turning to the Board, inquired,

* See statement of F. J. Van Vorhis. (Appendix.)

proved to be a record of a "horse case," with names of witnesses rubbed out and other names written in, and otherwise fixed to deceive.)

A portion of the affidavit of the stenographer who examined the notes is given.*

The members of the Board were at once notified of the circumstances connected with the receipt of such false notes from Davidson. Dr. Compton, President, replied in such a way as led me to think that he knew something of the whole transaction. He was positive in his assertion that the original notes should not be sent me, but might be delivered to Dr. Vinnedge.

At the next meeting of the Board, Dr. Compton admitted he was at some period "informed by Davidson that he sent me false notes," but upon motion of Dr. Lomax that Davidson be requested to apologize for the insult offered the Board, both Dr. Compton and Vinnedge refused to support the motion, and attempted to excuse the act.

At the meeting Dec 21, 1882, an order was made to send the vouchers upon condition that it be understood that the notes taken by Davidson (if any existed) were, in view of the attempt to deceive, to be considered of no value to the Board.

The voucher was sent with such conditions endorsed upon its face. So the matter ended. It must be known that directly after the May meeting, Dr. Compton, the President, stated to parties that the Board would go deliberately to work to find a way for his (my) removal.

This sending by Davidson of false stenographic notes would appear to be a trap placed for my benefit. Indeed, if I had been present when the package first came to the office, it may be, after glancing at the title page and not suspecting treachery or fraud from such a source, I would have placed the book in a pigeon hole of the desk and complacently waited the meeting of the Board, at which time the notes would have been called for and exhibited, their false nature at once detected, and the fact of my having received and paid for such would have exultingly been held as proof of my *incompetency*, upon the principle that a man who could be deceived ought not to be entrusted with the business of the office.

A "cause" was sought upon which to base my removal, or force my resignation, and all that discretion suggested was unheeded.

August 12, 1882, after the true character of the false notes had been exposed, Mr. Davidson wrote me a letter, the first paragraph of which is here given, viz.

So you still refuse to send my voucher as allowed me by the Board of Health, even after receiving the notes in one of the finest ——— stud horse cases ever reported in this County. I looked carefully through my files to see if I couldn't find a jackass case as being more suitable to yourself and appropos, but the one sent you was the neatest of your relatives spoken of in my notes.

This was read to the Board, but a majority took no notice of such insulting language. The person who could write this was unworthy of

* See Appendix.

notice, but I feel humiliated when I recall the fact that I remained a moment after the informal endorsement by the Board of such insult.

That few would have remained as executive is no doubt true, but imbued with the desire to prosecute the work I had spent so much time and labor in inaugurating, and determined that false and indecent action should not triumph, I kept to the work.

9. It is charged that I made the first report to the Governor without submitting it to the Board or allowing the report to be seen by the Board until after it had passed into the hands of the Governor.

This is a jumble of truth and falsehood that requires unraveling to be understood.

It is true the report was submitted to the Governor for inspection before the meeting of the Board, December 21,—the Governor expressed himself as being pleased with it,—but the report was submitted to the Board at the meeting mentioned all of it being read in open Board meeting by Dr. F. J. Van Vorhis, the matter contained critically examined, and no objection urged. A slight change in the opening sentence was suggested, and such change was made. The report was given to the Governor the next day.*

At the meeting in March, 1882, (I think) the Board passed the following resolution :

Resolved, That the thanks of this Board are due and are hereby tendered E. R. Hawn, Secretary of State, for reducing the salary of E. M. Parker, late a clerk of this Bureau, from one thousand to six hundred and twenty-five dollars per annum, thereby saving that amount to the State.

This was at the time the question concerning the lady claimant was settled. The reduction had reference to the wages of Mr. Parker, the first clerk, who the Secretary of State wished to have removed. But the clerk who was appointed in Mr. Parker's place (Mr. Smith) refused to work for such an amount, and the Board fixed his wages first at the rate of \$720 per annum, then \$800, and finally at \$1,000. The Secretary of State, Dr. Hawn, seemed to have been the champion of low wages for the purpose, it would appear, of forcing Mr. Parker from the clerkship. That this was not an honest exp ession upon the part of the Board, is shown by the fact that the salary of the second clerk was fixed at an increased amount.

10. As to the charge of general incompetency, I would answer by calling attention to the incompetency of the members of the Board either to judge the competency of the Secretary, or to occupy the positions they were appointed to, as partly shown by their unworthy action in seeking to fasten the odium attached to the enforcement of the rules, or the issuing of blanks, upon the Secretary, when all such rules were enacted and blanks ordered and endorsed by the members of the Board.

The Secretary was placed in a position where, if he failed to enforce the rules, or issue blanks ordered, he would be held incompetent, and if he obeyed the order he alone would be accountable to the palion of the

*See statement of Dr. Van Vorhis. (Appendix.)

profession and the public generally, to whom such rules or blanks were obnoxious. A continuous and predatory warfare was made upon the Secretary by members of the Board, first by instigating the charges made against the Secretary by E. R. Hawn, then Secretary of State, which were considered April 3 and 4, 1882, being aided in this in some way by one Jas. F. Hibberd, M. D., of Richmond, Ind., thus greatly harrassing the Secretary and interfering with the work of the office.

Physicians of Indiana will remember that from the time the blank for collection of statistics relating to marriages, births, diseases and deaths in Indiana were issued, complaint was made concerning them. Those using them were led to believe that the Secretary of the Board had arbitrarily issued them, after having, without a model evolved them from his own brain. The work was new, and physicians or the people in general were not to blame for want of knowledge relating to the proper mode of collecting such statistics. These objections came to the ears of members of the Board, who, instead of standing by their work like brave leaders, sought to make a "scape goat" of their Secretary—he should bear their sins and they be saved.

A plausible excuse for the warfare against the Secretary was, that "if he was not removed the act would be repealed." Not a word was said, however, as to other members of the Board resigning in view of such a danger. Under such circumstances the Secretary did not resign, but remained, and, by his efforts, undoubtedly prevented the act from being repealed.

The Legislature adjourned, and all alleged reasons for his removal having failed, action was taken as related, and the Secretary removed *without cause*, except as found in a malicious desire to injure, or some personal motive upon the part of memoers, unworthy of men, who, officially at least, were interested in the health work of the State.

The Secretary had as much cause and right to request the resignation of other members as they had to make such request of the Secretary.

There may be a political phase of the subject that may demand our attention at a future time; for the present, suffice it to say that the health work was not inaugurated in Indiana, nor the State Board of Health formed for the purpose of giving places to political favorites. The physicians and sanitarians of Indiana did not work for such a purpose.

The State Board of Health is not to be classed as a political "spoil" institution, and whenever it is so conducted it is damned beyond redemption.

We should not be censured for graciously permitting the incoming Secretary of State to exercise his undoubted prerogative as conferred by the act, to appoint upon requisition competent clerks without regard to their political faith.

No contracted policy or political pressure would cause us to make insulting distinctions because of politics, where either the interests of science or morality, the legal rights, or the health of the people, are the trusts involved.

STATEMENT.

BY THAD M STEVENS, M D.

Having replied to the charges delivered by the Board versus the Secretary of the Board, March 15th, 1882, I make statement regarding the said Board of Health as follows. I make such statement from a sense of duty to myself and to the people of the State of Indiana. The Board can, by silence, acknowledge their truth, or take their own mode of refuting them. All are true, as I believe, and if so the members of the Board should at once resign and give place to others. They are to be taken as part of my defence, and only made from the necessity forced upon me.

1. That W. W. Vinnedge, M. D., of Lafayette, Ind., a member of the State Board of Health of Indiana, did, in February or March, 1882, refuse to sanction the payment by the Secretary of the Board of \$100 to a lady who claimed she had been promised a position as clerk—such payment having been advised by the Attorney-General to quiet the claim. That in consequence of his objection, a meeting of the Board was called to consider the matter; that at such meeting said Vinnedge denied the purport of his letter of instruction, in which he forbade the Secretary paying the amount, and in which he advised that the lady be permitted to "fight the Secretary of State if she wished to." That, by misrepresentation, he induced the Board and E. R. Hawn, then Secretary of State, to believe that all opposition to the payment of such sum came from the Secretary of the Board; that after the Board had acted and allowed the claim, said Vinnedge and the Board urged, and finally induced said Hawn to make the charges against the Secretary of the Board, that were considered April 3 and 4, 1882; and that, upon the Board finding these charges not sustained, he, with other members of the Board, sought to find other causes upon which to base charges. In all this said Vinnedge acted, as I believe, with treachery, and in bad faith in seeking to falsify his own statement, and acting—*First*, as the cause of the original act; *second*, as the accuser of the actor; *third*, as a judge to decide the case.

2. That the Board seek to falsify the record in asserting that the Secretary, without conditions, promised to resign in May, 1882, or at any

time; and having found the charges considered April 3 and 4, 1882, "not sustained," seek at a later date to reopen the subject by asserting that they were influenced by the promise of the Secretary to resign, thus stultifying themselves by admitting the finding and judgment to have been through improper influences. A Judge whose finding is determined by reason of such considerations might, with justice, be impeached. If the charges were correct, they should have been so held, whatever course was taken as to infliction of penalty.

3. That the Board, in our opinion, prostituted its functions and its funds by payment to the State Chemist the sum of \$72 for analysis of specimens of sugar; such work being done at the instance of Dr W. W. Vinnedge. Such prostitution and misapplication of funds consisting in the fact that the State Chemist was, as we have been informed, directly interested in an enterprise conducted in Lafayette, Indiana, the object of which was the manufacture of sugar and syrup from sorghum cane; and, however innocent it might be to have such a person, thus interested in such manufacturing, to pass judgment upon the sugars of dealers in general or of other manufacturers, it was calculated to greatly injure the State Board and the health work in Indiana, by linking the act of the chemist with the State Board, thus bringing odium upon the Board, producing in the public a loss of confidence in its honesty, and presenting good cause upon which to base opposition to its work, upon the principle that the Board was a party to the act, and might be regarded as seeking to destroy an industry simply for the benefit of a friend that might by some be considered interested in such destruction.

4. That the Board was induced to lend its name to the establishment of a vaccine farm at Evansville, Ind., said Board having had no financial interest in or power or control of such enterprise, but the President, Dr. Compton, being proprietor thereof; that he advertised such enterprise as being under the auspices of the Indiana State Board of Health; that in the fall of 1882, a rule was made by the State Board, that no vaccine virus should be used except such as was sold in the original packages, said package to be labeled and having thereon the name of the proprietor and the date when such virus was taken from the cow. Dr Compton examined and, in writing, approved the original manuscript sent to the printer containing such rule, and it was afterwards published and issued in a circular by the State Board; such rule appearing on page 208 of the First Annual Report of the State Board as "Modifications of Rule 33," etc.; that notwithstanding this, the said Compton, upon inquiry being made him by an intended customer as to whether he furnished virus so labelled, replied by letter that he did not so label any package, and made inquiry as to the source of the rule or law if any that made such requirements, asserting his ignorance of any such rule. A member of the Board that adopted the rule, one who examined and approved the original printers' manuscript, a proprietor of a vaccine farm, and yet who could

subsequently inform his customers that he had no knowledge of such rule; this would appear to prove at once his incompetency for the position as member of the Board, and wholly unfit to sit in judgment upon the acts of others connected with such Board, and also to prove that if he was not honestly ignorant he might, for a purpose, have violated the rule, showing a contempt therefor, and rendering himself amenable to any penalty attached for refusing or neglecting to obey the rules of the State Board of Health.

APPENDIX.

Extracts from an Analysis of Certain False Notes sent the Secretary of the State Board of Health by Bert P. Davidson, Lafayette, Indiana.

THADDEUS M. STEVENS, M. D., Sec. Indiana State Board of Health, Indianapolis, Ind.

Dear Sir:—In accordance with your request, I have made an examination of the contents of the package opened by you in my office on the 21st inst., in the presence of myself and Mr. Frank Hedrick, and which were identified at the time by endorsement on each article, signed by myself and also by Mr. Hedrick. The said contents are, 1st, a letter addressed to you and signed by Bert P. Davidson, together with its envelope, both of which I and Mr. Hedrick examined at the time and endorsed for the purpose of identification. The wrapper was also identified in like manner. The other contents of the package consisted of three ordinary reporters' note books, marked on the back, respectively, "First Book," "Second Book," and "Third Book." There is also on the outside of the covers the endorsement, "E. R. Hawn, Secretary of Ind'a vs. Thaddeus M. Stevens, Sec'y State Board of Health," in long hand. The phonography in all the books is of the kind called Munson's, written with a tolerably hard pencil, probably Dixon's "American Graphite S M." The names of the witnesses throughout the report are written with a softer pencil, probably Faber No. 1 or No. 2. I examined the books in their order.

In the "First Book," on the first page, (but marked as "2"), is the following title:

"Indianapolis, Apr. 3rd and 4th, 1882.

"Proceedings in investigation of charges of E. R. Hawn, Sec'y State of Ind. vs.
Thaddeus M. Stevens, Sec'y State Board of Health of Ind'a.

Appearances:

For Pln., E. R. Hawn.

Deft., F. J. Van Vorhis.

BERT P. DAVIDSON,
Stenographer for State Board of Health."

The 2nd page is blank. Pages 3 and 4 contain a report of some preliminary matters, beginning with a statement by the Chair, which is followed by a motion by Dr. Vinnedge to suspend the regular order of business and proceed at once to the investigation of the charges and specifications; after which come remarks by Van Vorhis, *Stephens* and others. On page 5 (actual count) is a report of the testimony of some witness, whose name is not given, in a trial about *mules*, and apparently at times about *mares*, the phonography being of an uncertain character, so as to leave it doubtful to a person knowing nothing of the case. Pages 5 and 6 give the value of the animals. The sum allowed for a yearling colt is stated to have been \$25, and for colts "three years old this spring" \$70; while \$75 was allowed for grown mules that had sore leg or distemper. Page 7 contains similar matter. So far, there is no appearance of any witness' name, and the change of subject is all there is to indicate that pages 5, 6 and 7 are not the continuation of the preliminary business of the investigation.

On page 8 is written in long hand the name of Chas. G. Bingham, as the first witness examined. The name, however, is written right in the middle of the testimony of the

unknown witness, who testified about the prices of live stock, and does not break the steady flow of the examination. Farther along he testifies as to certain facts and certain representations as to the condition of the animals.

The next witness is "Col. —— Wolf," whose name is written at the top of page 16, in the midst of the same examination and without breaking the thread of discourse. The question written immediately after Col. Wolf's name is, "You may state what effect, if any, your treatment had upon his legs?" This question is marked by the reporter as objected to, and without waiting for an answer, the examining lawyer asks the following question: "You may state what, if any, treatment you gave him for distemper or other diseases;" in reply to which the witness answers that he got some medicines at a drug store in Lafayette, and goes on to relate how he used it.

"Court of investigation here adjourned till 1:30 P. M., at which time the cross-examination of this witness continued as follows":

On the next page, immediately after the above entry, is written the name of *Dr. John F. Hibbard*, in a coarse, long hand and with a soft pencil. Then follow the words, "Cross-examination continued by Mr. McMillan."

On page 67 appears the name of *Dr. T. J. Dills, Esq.*, covering the name *James Murry*, not completely erased. The "Esq." after Dr. Dills' name, was probably intended to apply to Mr. Murry, when his name occupied the place. The testimony bears upon the same subject as that of the witnesses preceding him—live stock, their condition, value, etc.

William B. Burford's testimony is found at page 120, and his name hides the name of Thomas somebody—it resembles *Wood*. The "Thomas" is clearly visible. The last name has been better erased. The first question is, "State your name to the *jury*." In answer to which the reporter, as is his custom, simply writes the word "name," referring to the name written in long hand above. He is asked where he lived last winter? and replies, "In Jackson Township." His testimony is on the same topics as that of preceding witnesses.

* * * * *

CHAS. W. STAGG, Stenographer.
Indianapolis, Ind.

Statement by Dr. F. J. Van Vorhis.

INDIANAPOLIS, INDIANA, April 6, 1883.

DR. THAD. M. STEVENS, Sir:—You ask me to state what occurred at a meeting of the State Board of Health on the morning after the close of the investigation of certain charges made against you by Hon. E. R. Hawn, which meeting was on about the 4th or 5th day of April, 1882; and also the facts concerning a certain promise, that it is alleged you made at that time, to resign your office as Secretary of the Board.

On the morning referred to all the members of the Board and myself were present. A resolution was offered finding in substance the charges preferred against you, *not sustained*.

Pending the consideration of this resolution, in answer to some inquiry or statement of some member of the Board, you stated that you did not desire to remain Secretary if you could not have the co-operation of members of the Board; that want of support on the part of members made it very difficult to perform your duties. And you further said that if your services were not satisfactory, and the Board would at the next meeting of the Board in May, so express themselves and ask you to resign you would do so, and would not trouble them to hunt for grounds upon which to remove you. But in saying this you desired it understood that not *one word* was to be said outside by any one present about the matter, for the reason that it would be at once construed to be a resignation to escape removal, whereas such resignation, if ever offered, would be contingent upon the future action of the Board. This was agreed to by every one present.

The resolution finding the charges not sustained was adopted.

Dr. Compton, President of the Board, left the chair and room immediately and returned in five or ten minutes. In the meantime Dr. Lomax announced that it was almost train time, and departed for home, and was not present any more during the meeting.

In a very few minutes Hon. E. R. Hawn came into the room in a state of considerable excitement. He stated that he had been induced by members of the Board to make the charges against Dr. Stevens, and that the finding of the Board put him "in the attitude of persecuting an angel," and he did not propose to stand it. He said, "I do not care what kind of a finding you make for Dr. Stevens, but I have *some* mighty interesting correspondence from members of this Board, (patting his inside pocket), and I demand of this Board, that after having got me into this thing, they shall put something on their records that will show that I was not actuated by malice towards Dr. Stevens."

Nothing that Dr. Hawn said was disputed, and he was allowed to dictate a resolution and the Board adopted it and adjourned.

You also ask me to state what I know in regard to the action of the Board relative to a report made to the Governor.

I was present at the meeting of the Board in December, 1882, when you presented the Board with the manuscript of a report which you stated you had informally shown the Governor, and had received from him some suggestions in regard to it. I believe you stated that the Governor suggested that some things you had in it should be left out. You stated that you desired the Board to examine and pass upon the report before it was formally presented to the Governor. At the request of some one, I read all the material parts of the report (except tables) relating to the work of the Board. A few changes were made, merely verbal, and the report informally, as I thought, passed without objection.

Yours, respectfully,

FLAVIUS J. VAN VORHIS.

Statement by W. H. Smith.

THAD. M. STEVENS, M. D.—In answer to your written interrogatives received this day, I would reply:

- As to salary and employment of clerks: When I presented to you the notice of my appointment as clerk of the Bureau of Vital and Sanitary Statistics, you inquired what salary I would expect? I replied that I would expect \$1,000; but if I did all the work I would expect more than that. You told me you did not believe the Board would pay that amount; that they had refused to do so in the case of Mr. Parker, my predecessor, and showed me the record of the Board where his salary had been fixed by the Board at \$900. You refused to fix my salary, and it was finally agreed that the whole matter should be left to the Board. My salary was afterward fixed by the Board. After a considerable delay the last two quarters of it was fixed at the rate of \$1,000 per annum. As to the amount or character of work done by Mr. Parker, I know nothing, but knowing what work is required in the office, if I was a member of the Board, I would not expect to get a competent clerk for less than \$100 per month, nor would I ask a competent clerk to do the work for less than that amount. In regard to the employment of additional clerks, I will state that when we were getting ready to make the annual report to the Governor, I informed you that I would not be able to do the work, and that additional help would be required to make out some tables required by Capt. Connor, Chief of the Bureau of Statistics. I suggested that a requisition be made out asking for permission to temporarily employ additional clerks. The suggestion met with your favor, and the requisition was made, and three additional clerks were employed. As the labor of the additional clerks would be mainly copying, when you asked me what I thought their pay should be, I told you that \$2 per day would be sufficient. You refused to fix the salary, and when they desired some money you certified to the Treasurer of State that they were employed in your office, and requested him to advance them some money, but the amount that you asked for at no time exceeded \$2

per day for the time employed. At the meeting of the Board in December, Dr. Compton informed me the Board had fixed their pay at \$2.50 per day. I was so much surprised at it that I told Dr. Compton while I had no objection to the clerks getting all the pay they could, I would call to mind the fact that the Board had at one time wanted me to work for \$700 per year.

2. As to the charge of "Punic faith" made by you against the Board.. In the afternoon of the day on which the investigation of the charges of Hawn vs. Stevens closed, Dr. Hawn came into my room with Fortune, a reporter of the Daily Journal, and in conversation stated that the verdict of the Board had been returned upon an agreement with you that if such a verdict should be returned you would tender your resignation by a certain time. Dr. Hawn said he had been so informed by the Board. The next morning the Journal and Times each had a statement to that effect. Who it was that "gave away" the agreement I do not know, but when I called your attention to the articles in the Journal and Times, you denounced it as being "Punic faith."

3. As to what you denominate a conspiracy to obtain possession of the books in your office, I know nothing. Just before a meeting of the Board in July, I think, I was told by some one, I do not remember whom, that an effort would be made to displace you. I said that if the effort was made it would result in a law suit to get possession, as you would refuse to vacate. I was then told that the office would be declared vacant and the books taken possession of, and you would be left to sue to recover them. When the Board met the President asked me if I had a key to your room? I informed him that I had not. He then told me that Dr. Maxwell would be elected Secretary of the Board, and asked if I would recognize him as such? I replied that I recognized the Board, and would recognize any one as Secretary they might elect. He then asked as to the books of the office? I told him there were none in your room that it would be absolutely necessary for the Board to have.

4. As to the material bought being necessary for the work of the Board, and to its use. After my appointment as clerk, I bought nearly all the material, and had I not deemed it of use I would not have bought it. As to what was purchased before I went there, I know but little, but what was on hand when I was appointed I used up in the work of the Board, except what was taken by the members of the Board. After thinking the matter over, I do not call to mind any material purchased that was not necessary or of use.

5. As to the "Davidson" and "Stagg" claims. About a week or ten days before the commencement of the investigation of the charges of Hawn vs. Stevens, Dr. Vinnedge called to see you, when you were not in the office. He asked if I knew when you would be ready for trial? I told him that I did not, but that you had said you would be ready when you received a copy of the charges from the committee. I also informed him that you would appear by attorney. He asked me to suggest to you the employment of a stenographer, and to say to you that if you could not get one here to let him know, and he would bring one over from Lafayette. When you returned I reported the conversation to you. A short time afterward, perhaps the next day, you informed me that you had employed a stenographer, and a note was written to Dr. Vinnedge to that effect. If my memory serves me right, the note to Dr. Vinnedge was written by me and signed by you. On the day of the trial both Mr. Stagg and Mr. Davidson appeared. Dr. Vinnedge stated that Mr. Davidson was a stenographer, when Mr. Van Vorhis stated that Mr. Stagg was there, and had been employed to take notes of the evidence. They both remained during the trial and took notes of the evidence. Sometime afterward you told me that Davidson had presented a bill for \$20. I told you that I did not think you had a right to pay it until it was passed upon by the Board, and that he ought to have delivered his notes to the Board before he presented his bill. Finally, after considerable correspondence, the matter was referred to the Attorney-General. His opinion was, in substance, that both Stagg and Davidson would be entitled to pay, but that if the Board paid either or both of them, the Board were entitled to the notes taken at the time of the trial. Mr. Davidson was informed of the decision of the Attorney-General, and that you would await the action of the Board, as he had refused

to deliver the notes. A day or two afterward a package of papers came by express, purporting to be the notes taken at the time of the trial. They proved to be notes of a horse trial. The bill was finally ordered paid by the Board. When or how the bill of Stagg was paid I do not know, but suppose it was done on the opinion of the Attorney-General.

6. As to what you term the general tyranical course of the Board, the plotting against the Secretary, interfering with the work of the Secretary and the clerk, I hardly know what you mean. Since March, 1882, there was certainly a design and a desire upon the part of some of the members of the Board to get rid of the Secretary, and there was anything but harmony between them in the conduct of affairs. A resolution in regard to printing was adopted that did materially cripple the work in the office. To such an extent was this the case, and so difficult did it become for me to get printing that I deemed absolutely necessary, that I ignored it entirely, and ordered printing and stationery without reference to the resolution, and some of the time without consulting you.

7. As to the matter of economy in carrying on the work of the Board. There may have been some item of expense that I would not have incurred; for instance, the sugar analysis ordered by the Board; but in general the affairs were managed with economy. In fact there was a little too much parsimony, and the general work, in my estimation, was crippled to some extent by the strict economy. Had more money been expended, better work might have been done.

8. As to the manner in which the supplies and printing were obtained for the Board, I will state that prior to my appointment, in February, 1882, all bills for printing and stationery were made directly to the Secretary of State, without being inspected by you, and such bills were audited and paid by the State Printing Committee, without you being consulted—they claiming the right to do so. Upon my appointment, I had occasion to examine some of the items charged for, and in comparing them with the State schedule price, I discovered that there were several overcharges. I called your attention to the fact, and you at once insisted upon all bills being submitted to you by the State printer before being audited and paid. By thus changing the method of auditing and paying the bills for printing, a great saving was made to the Board. This change was only made after considerable persistence, and getting an opinion from the Attorney-General.

W. H. Smith being first duly sworn, on his oath says the facts, as above set forth, are true, as he verily believes.

W. H. SMITH.

Subscribed and sworn to before me, John H. Toohey, a Notary Public in and for Marion County, Indiana, this 10th day of April, 1883.

JOHN H. TOOHEY, N. P. { SEAL. }

Statement of E. S. Elder, M. D.

[Copy of letter filed as evidence in the investigation April 3 and 4, 1882.]

INDIANAPOLIS, March 4th, 1882.

J. W. COMPTON, M. D., President Indiana State Board of Health.

Dear Dr.:—As there appears to be an impending struggle between the Secretary of State and the State Board of Health over the clerical force assigned for the Bureau of Vital Statistics, I deem it proper to give you what information I possess in regard to the matter, in order that your Board may act justly and understandingly in the matter.

On or about the 4th of November, 1881, Dr. Stevens, Secretary of the State Board of Health, asked me if I knew where he could secure the services of a person competent to act as clerk of the State Board of Health. He stated that he wanted a male clerk, one who had experience in preparing blanks for statistical purposes, and who would be able to organize the Health Department of the State. After a few moments reflection, I recommended E. H. Parker as a proper person, Mr. Parker having been Auditor of Wayne

County two terms, and who wrote a good hand, and who would doubtless be able to fill the requirements. Dr. Stevens and myself then went over to the office of Major Gordon, Clerk of the Supreme Court, where Mr. Parker was employed, and mentioned the matter to Mr. Parker. He asked in regard to the probable length of time his services would be required and the probable salary, stating that he was then making seventy-five dollars a month, and that he thought he ought to have one thousand dollars a year if he gave up his present position. Dr. Stevens and myself then went into the office of the Secretary of State, and Dr. Stevens spoke to Dr. Hawn about the matter, stating he wanted a male clerk, one who had experience in drawing up blanks, and who could organize the work of the new bureau, and Stevens suggested Mr. Parker and asked for his appointment. Dr. Hawn replied that the position required a good man, that Mr. Coons, deputy State Auditor, was the *best* man for the position that he knew of, and that next to him Mr. Parker was best; that Coons could not be had, and that Parker he supposed would want about a thousand dollars a year. Stevens and myself stated that we considered it worth a thousand dollars a year to secure a competent man. Dr. Hawn then said that if Stevens desired it he would appoint Parker to the position. Hawn then said that Col. Wolf had spoken to him about the appointment of a lady as a clerk in the office of the State Board of Health, and Dr. Stevens said that he supposed that the matter would be all right when he had anything for her to do, but that at present he did not need more than the male clerk; that after the bureau was organized and the reports began to come in, there might be need of additional help. We then left the office, and the appointment of Parker was announced in a few days.

Yours very truly,

E. S. ELDER, M. D.

Statement of Wm. Lomax, M. D.

(Member of the Board.)

MARION, IND., April 23, 1883.

THAD. M. STEVENS:

Dear Doctor—In reply to yours, without date, touching my knowledge of the matters connected with the charges made by the Indiana State Board of Health on the 15th March, 1883, against you as Secretary of the Board, I will answer as well as I can in the order of your inquiries:

1. As to the first charge relating to the penmanship of the Secretary, that while it is not the finest chirography, yet his penmanship is legible, and quite as good now as it was when he was elected Secretary by the same members of the Board who entertained charges against him.

2. As to the second question, relating to your statement of the business and work of this Board being so wavering, loose and indirect as to keep the Board uncertain as to what you have done or what you will do, I have to answer, I have observed nothing of the kind tending in the least to impair the usefulness of the Board. On the contrary, I have considered your statements by letters to members of the Board, at least to myself, and those statements made in Board meetings, were sufficiently clear to be readily understood by any one taking due interest in the legitimate business of the Board.

3. As to the third, whether "you have so recorded the transactions of the Board that the recorded minutes of its proceedings do not show correctly what the Board did do, and in some instances make it appear that the Board did things it did not do," I can say that at one time, and that among the early meetings of the Board, there was some discrepancy in the minutes as reported by the Secretary, and the recollection of the members in the matter. And to prevent the recurrence of any future inaccuracy or disagreement of the kind, it was ordered on my motion or suggestion that the minutes be carefully written by the Secretary in proper form, and read at the next succeeding meeting, when, if approved by the meeting, they should be recorded; but, if objection be made, the meeting should correct them for record; that this rule was strictly adhered to afterwards giving every guaranty that could be made for correct minutes.

4 and 5. Questions 4 and 5, relative to clerk hire and material for the office, relate to matters which were duly considered by the Board in the investigation of April 3 and 4, and the charges were not sustained to the satisfaction of all of the members. It was thought by all of the members that expenditures had been made in excess of the amount a rigid economy might run the office with; but the excess was never footed up, to my knowledge; nor was it definitely ascertained what amount of the excess was due to the Secretary of State, who required the stationery to be purchased of and the printing to be done by the State printer as a condition of his, the Secretary of State's, approval of the requisitions; while it did appear in the investigation referred to of April 3 and 4, that the work and material could have been obtained elsewhere on more favorable terms had the Secretary of the Board been allowed the benefit of the markets in procuring them.

In reply to that part of the question relating to the statement "that much of the supplies of the office were uncalled for by any service in the office," as evidence of disqualifying extravagance, I may say the particular supplies with their itemized cost to verify the accuracy of the statement, has not been given. But never having observed any marked extravagance, of this sort, I should have to believe its existence depended more upon the necessity of a schedule of causes for the action taken by the Board than the presence of any useless supplies about the office.

6. Your sixth interrogatory refers to a breach of promise on your part to resign. It may not be improper to say this was a conditional promise. The facts of the case were substantially as follow: In the morning of the second day given to the investigation of the charges preferred against the Secretary, he was informed that three of the members were in favor of declaring the office vacated. To this he replied such course was not necessary; that he would rather resign than to be turned out of office by the Board. He suggested, however, that the work of the office was not in good shape for an incoming Secretary, not familiar with the plan and forms contemplated for tabulating and collating the facts accumulated in the office, to readily prosecute this part of the work satisfactorily; that they were now about making up the first quarterly report, and he thought it better that he should continue in the office until this report should be completed, which would present the statistics in a systematized form, making it an easy matter in the future to carry out the plan. And after this was done, should the Board request it, he would resign. Dr. Van Vorhis, who was acting as attorney for the Secretary, proposed that the members keep this arrangement to themselves, as to divulge it would be damaging to the Secretary. This every member accepted as a fair and reasonable requirement. The Secretary was to make up the quarterly report, which was to be presented to the Board at a future meeting, and then after the plan and order of the work was inspected by the Board, should it then request his resignation, he was to resign. To this every member of the Board fully and unreservedly agreed. There was no objection or hesitation either made or intimated by a single member in my hearing. After this very satisfactory arrangement had been made for the harmonious disposal of this unpleasant affair, with pledges of privacy respecting its existence on the part of the members, it was announced in some of the Indianapolis papers on the following day, substantially that such resignation was to be made by the Secretary to escape the disgrace of expulsion, when the facts were that after making the quarterly report and submitting it to the inspection of the Board, should the Board request it, he was to offer his resignation.

Upon seeing this announcement, I was compelled to regard the disclosure as a breach of confidence on the part of some one; and that the suppression of the contingencies, associated with the informal agreement between the parties, indicated a willingness to damage, or do injustice to the Secretary.

The Board never afterward made a request of the Secretary to resign. But at a subsequent meeting, and I think the next ensuing one, a motion was adopted to the effect that the matters already settled by the Board should not hereafter be mentioned in Board meetings, and if so mentioned by any member the President should promptly call him to order. This I fondly hoped would close the foolish wrangle about the Secretary, and permit the members to devote attention to the laudable objects of the law creating the Board.

7. Your seventh question relates to the payment of two stenographers for work performed at the investigation of the charges of E. R. Hawn versus the Secretary of the State Board of Health. Just how the reporters were employed I can not say. Two reporters were present, and the Board did not object to or disapprove of them, and possibly became liable for both of their services. The bill of Mr. Davidson for his work came before the Board in consequence of his refusal to deliver the notes taken by him to the Secretary; and subsequently sending false notes, or notes taken in a suit involving a horse, with a title page stating they were "notes of the proceedings in an investigation of charges brought by E. R. Hawn versus Thad. M. Stevens," etc., signed Bert P. Davidson, Lafayette, Ind., giving names of witnesses in the investigation of said charges of Hawn versus Stevens to the notes of a trial in some court of a case in which, as above named, a horse was the subject of litigation, calculated to deceive and impose upon the Secretary and Board of Health. At the meeting in October, if I recollect correctly, Dr. Compton said he had been informed by Mr. Davidson that he (Davidson) had sent false notes to the Secretary, purporting to be genuine ones. Dr. Vinnedge also knew of such notes having been sent, and attempted to turn it off as a joke upon the part of Davidson, in harmony, as he said, with practices in Lafayette, without the least offence being taken or intended by the parties. I considered the thing, and especially the low language in a confession was couched, after the attempted deception had been exposed, as an insult to the Board, for which an appropriate apology from Davidson should be made before allowing the bill. But other members of the Board, regarding it as an innocent joke, were in favor of allowing the bill, which was allowed.

There was some disagreement among the members of the Board as to the proper person to keep the notes; some being of opinion that as they pertained to the trial of the Secretary it would be improper for him to have control of them. They thought the committee that procured the investigation would be the proper custodian of the notes. But Dr. Van Vorhis informed the members that the law required the Secretary to have possession of all papers belonging to the Board. The Attorney-General held that before payment of the bill, the notes should be delivered to the Secretary, which a majority of the Board was unwilling should be done; while the others considered notes coming from one whose regard for personal veracity and fair dealing was no security against an attempt to palm off false notes for the genuine, would make them untrustworthy and of no value, and so, by common consent they were not afterwards called for.

8. As to the eighth inquiry respecting my understanding "of the Secretary making the report to the Governor without letting the Board see it," I never taxed my memory specially with the matter. But I recollect at a meeting before the assembling of the Legislature, the report was submitted to the Board by the Secretary, and read by Dr. Van Vorhis in full, or all that the Board desired to hear. The Secretary stated that he had shown it to the Governor, who had made a few verbal changes in it, and that he the Governor expressed himself as being pleased with the document; that if the Board wished any changes made, it could so order. But I believe no changes were made, and the report as made was submitted to the Governor, with the understanding that it should be considered as the report of the Board.

I believe I have answered all your interrogatories as accurately as from memory and a few notes I am able to do.

Yours truly,

WM. LOMAX.

Subscribed and affirmed to before me this 23rd day of April, 1883.

WILLIAM L. LENFESTEY,

Notary Public.

[SEAL.]

Extracts from Testimony by Jas. F. Hibberd, Richmond, Indiana.

[Given during the investigation of charges of Hawn versus the Secretary of the State Board of Health, April 3 and 4, 1882.]

It is always interesting to analyze the thoughts and plans of one who is, or pretends to be, an expert, as it may act either as a guide or a warning to us. The following extracts from the cross-examination of Jas F. Hibberd, M D , of Richmond, Indiana, by F. J. Van Vorhis, are here inserted for such a purpose.

The following conclusions might by some be drawn from such testimony, viz:

1. That the witness considers the physicians of Indiana either as too ignorant to comprehend, or too dishonest to record certain facts.

2. That "innate knowledge highly cultivated" is held as of more value than a study of the works of investigators

3. That it is charitable to suppose any failure of the witness to comprehend the difficult problems connected with the health work was not due to a lack of "innate knowledge," etc., of which he asserts he possesses a sufficient amount, but is to be attributed to the lack of the stimulus of an accustomed cup of coffee

Q. If a physician reports that a person has been successfully vaccinated, do not you take it for granted that the physician knows?

Ans. I do not know what the physician means by "successful." No physician can tell from an examination of a person's arm whether he is liable to small-pox or not. Besides, it is not confined to intelligent physicians; any doctor in the world may sign that certificate, and there are many physicians who are not as intelligent as we are here to-night

Q. Would another form of blank change that fact?

A. Yes, it would make it a great deal better. If you fix it so that they must show the facts as they are or stultify themselves, then some good will come out of it.

Q. How would you put it yourself, doctor?

A. I would sit down some evening after supper, after I had had a nice cup of coffee, and frame a question that a person of ordinary intelligence would understand.

Q. You have been studying over this matter, have you not?

A. Yes.

Q. You are sure that work could have been done better?

A. O, yes; that is a very modest statement.

Q. How do you know?

A. I can tell that from my inner consciousness.

Q. Will you please state, from that limited knowledge, if it has not been the custom of all health officers to issue their blanks to their subordinates as early as possible after the organization of the Board?

A. I think not, but I will not state it as a fact, because I do not know.

Q. Would not sound judgment indicate that course, in order that health officers might become familiar with the details as soon as possible?

A. I think not.

Q. Did not the State Board of Iowa issue their blanks at once?

A. I can not say.

Q. Did not the Illinois State Board issue its blanks immediately upon its organization?

- A. I can not say; but that does not change my opinion any.
 Q. I will ask you if the State Board of New York did not?
 A. I expect not.
 Q. You expect not. What do you know about it? Do you know whether they did or not?
 A. I do not.
 Q. How was it in the State of Arkansas?
 A. I can't tell you.
 Q. Mississippi?
 A. I don't know.
 Q. How many States do you know anything about?
 A. I don't know about any.
 Q. What then do you base your opinion upon?
 A. Upon my innate knowledge cultivated to a very high degree.
 Q. You tell this Board that there is not a single State Board of Health about which you know enough to say whether they issued their blanks immediately upon their organization or not; and yet you condemn these blanks upon your "innate knowledge" of such matters?
 Dr. Hibberd—Add the other part of the sentence.
 Dr. Van Vorhis—"Cultivated to a high degree."
 A. That is it exactly.

Analysis of the Act Creating the Indiana State Board of Health.

At the time the Act creating the Indiana State Board of Health was drafted, it was thought to be as perfect as any law in existence in other States, having the same objects in view. But before its final passage many errors crept in, that might altogether destroy the efficiency of the law if it had not been for the willing acquiescence of the people to the rules adopted by the several Health Boards.

We present the following as portions of the law that especially call for amendments: Section 4 of the Act provides that the Secretary of the Board shall hold his office four years, unless sooner removed for just cause, three members voting therefor, etc. If the words "just cause" were not found in the section, then no doubt the Secretary might justly be said to hold his office at the option or discretion of the Board, but these words would, to any sensible man, convey the idea that the cause alleged, and to be voted upon, should first be found to be just—this to be ascertained by some kind of a trial where the accused could have the right to defend. But the present Board and its advisers held that they could remove at discretion. It may be that they have established a precedent that may hereafter annoy them.

In Section 9 it is provided that "the Board of Health of each County shall act in conjunction with the State Board of Health, and it shall be the duty of said County Board, at least once in each year, and as often as may be deemed necessary by the State Board of Health, to report such facts and statistics as may be required under instructions from and according to forms and blanks furnished by the said Board," etc. The duties of such County Boards are clearly set forth, but there is no penalty attached for failure to perform. The Boards may "neglect or refuse" to obey instructions from the State Board, and as far as we see there is no remedy. As a rule the several County Boards responded to the request of the State health officers, prompted by their desire to carry out the spirit of the law, although it may have been impossible by legal process to compel them to do so.

In the same section (9) it is provided that "any person or persons or officers of any corporation refusing, after being notified in writing, to comply with the requirement of such regulation, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not more than twenty-five dollars." This portion of the section is

in our opinion wholly inoperative and can not be enforced, for the reason that the act constituting a misdemeanor must be specified by the Legislature, but here the *act* is specified by a Board of Health, in some rule or regulation, the penalty can not be applied. This would appear to leave it so that *no rule or regulation made by the State Board could be enforced.*

Section 11 provides that County Clerks shall report to the County health officers the number of certificates of marriages that have been recorded during the preceding month, together with the names of parties contracting marriage and the date such marriage was solemnized. This is all that by the Act such clerk has to report relating to marriages. There is no penalty for failure, but even if there were the facts so designated would be of little value in compiling statistics. Many of the County Clerks in the State very kindly granted this request of the State health officers, and obtained the necessary facts, filled up the blank (No. 3) and reported such facts to the County health officers for record, but this was not because the law compelled them to do so.

There are several other amendments that are needed. One is that some provision shall be made so that a burial permit can be issued in each Township, whether by the Township Trustee, or by a Township Board that may be created, or otherwise, is a matter to be considered. Without a system demanding a permit, based upon a certificate of death, no full mortuary statistics can be obtained.

We regret these weak points in the Act, but they can not be remedied until the next meeting of the Legislature.

NOTE.—The rule, as adopted by the Indiana State Board of Health, relating to compulsory vaccination, has, in certain portions of the State, been unpopular, and a few in a spirit of fear, seemed to wish to cast the responsibility of its workings upon their Secretary. Compulsory vaccination is the great essential measure in our efforts to protect against smallpox. Ohio has, we believe, recently obtained such a law, and Indiana should have one similar in kind enforced with discretion. I take this opportunity to claim the coming honor that will be attached to him who inaugurated *compulsory vaccination* in Indiana, and shall continue to advocate the truth so well recognized by *true sanitarians*.

